

**GUILFORD COUNTY, NORTH CAROLINA LOCAL
EMERGENCY PLANNING COMMITTEE (LEPC)
BY-LAWS OF THE LEPC**

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ARTICLE I Name

This organization shall be known as the Guilford County Local Emergency Planning Committee (LEPC) hereinafter known as the "LEPC".

ARTICLE II Purposes

The duties and responsibilities of the LEPC shall be to implement the "Emergency Planning and Community Right-To-Know Act of 1986" (EPCRA) and implementing laws and regulations. These duties and responsibilities shall include the requirement to:

- 1) Establish rules by which to function and procedures for receiving and processing requests from the public for information;
- 2) Oversee the development of an emergency plan in accordance with section 303 of EPCRA, including a chemical hazard/risk analysis, emergency response procedures for off-site emergency response personnel and identification of private/public sector resources available to respond to hazardous materials emergencies in Guilford County.
- 3) In conjunction with emergency response agencies, review annually and update as necessary the emergency plan, or more frequently as changed circumstances in the community or at any facility may require;
- 4) Receive reports and other information from facilities subject to the requirements of EPCRA;
- 5) Provide public access to information and documents, subject to required limitations, in accordance with EPCRA and established procedures of the LEPC;
- 6) Publish, annually, a notice in local newspapers as required by Section 324 of EPCRA;
- 7) Insure that a yearly exercise based on the existing emergency plan is conducted and the plan is updated as necessary; and,
- 8) Other lawful tasks and duties as assigned by appropriate authorities.

ARTICLE III Membership

Section I. Appointment of Members

The LEPC shall consist of members appointed by the North Carolina Emergency Response Commission.

- 1) The members of the LEPC must have the authority, commitment, and resources to accomplish the mandated tasks outlined in Article II.
- 2) The LEPC must possess a wide range of expertise relating to the community, the industrial and transportation facilities, and the mechanics of emergency response and emergency response planning.
- 3) Basic committee appointment criteria as required by EPCRA and the North Carolina Emergency Response Commission will be adhered to. Nominations to the LEPC shall be made from among industry, participating agencies, citizens' groups and individuals.

All nominations will be submitted to the LEPC Executive Board and the Guilford County Board of Commissioners for review and approval prior to submission to the North Carolina Emergency Response Commission for appointment.

Each primary appointment shall be a specifically named person or one of the following offices: Guilford County Sheriff, Greensboro Fire Chief and High Point Fire Chief. By written notice to the Executive Board, any LEPC member may specifically name one alternate to attend meetings in the absence of the primary member.

Alternate members may vote on matters at any regular or special meeting of the LEPC only when they are representing the primary member who is unable to attend such meeting.

Section II. Attendance

Members shall remain in good standing unless they miss three consecutive LEPC meetings without notification to the LEPC chair or the staff office regarding the reasons for the absence. After three consecutive unexcused absences, the member's position shall be considered vacant.

Section III. Removal of Members

All members of the LEPC shall serve at the pleasure of the Guilford County Board of Commissioners and the North Carolina Emergency Response Commission.

Section IV. Vacancies

Vacancies in membership of the LEPC shall be filled by the North Carolina Emergency Response Commission in accordance with Section I of this Article, as deemed necessary by the Executive Board.

ARTICLE IV Officers

Section I. Election of Officers

The Chair, Vice-Chair, Secretary and Treasurer of the LEPC shall be elected from among the membership of the LEPC for a period of 2 years, and shall serve at the pleasure of the LEPC. The Treasurer shall be a voting member in good standing who is an Industry representative.

Section II. Executive Board

The Board shall be composed of the officers of the LEPC and the chairs of the standing committees. Those elected officials who are members of the LEPC shall serve as ex-officio, non-voting members of the Board.

The LEPC members who serve on the Executive Board shall have the authority to vote on:

- (1) routine matters not otherwise requiring a vote of the full LEPC (see Articles VII, VIII and IX of these By-Laws) and
- (2) items of an emergency nature when sufficient time is not available to call a special meeting of the LEPC, provided that all votes of the Executive Board shall be recorded in the minutes of its meetings and reported at the next meeting of the LEPC.

Section III. Standing Committees

The standing committees shall be Industry Forum; Outreach and Education Committee; By-Laws Review Committee; Planning and Scheduling Committee; Regulatory Review and Advisory Committee; Web Page Committee; and Training, Equipment and Resources Group. Each standing committee shall elect a chairperson from among its membership who shall serve at the pleasure of the committee.

Section IV. Vacancies

A vacancy in any office because of death, resignation, removal, disqualification, or otherwise, may be filled by the LEPC by majority vote for the unexpired portion of the term.

ARTICLE V Duties of the Officers

Section I. Duties of the Chair

The LEPC Chair shall preside at all meetings of the LEPC, preserve order during its meetings, prepare the meeting agenda, serve as the official spokesperson and coordinator for information, appoint the membership of the standing committees, and sign all minutes, and such records, vouchers, or other documents connected with the work of the LEPC as may be required.

The Chair may appoint additional committees or special study groups as appropriate to fulfill the purposes of the LEPC.

Section II. Duties of the Vice-Chair, Secretary and Treasurer

The duties of the Vice-Chair, Secretary and Treasurer shall be as assigned by the Chair of the LEPC. The Vice-Chair will be responsible for arranging for the meeting place and recording the attendance at each meeting. The Vice-Chair shall preside at meetings of the LEPC in the absence of the Chair.

The Secretary will be responsible for providing a draft of the minutes to the Chair within one week following each meeting. The Treasurer is responsible for maintaining the financial accounts of all LEPC activities and committees and for reporting on the status of each account at each LEPC meeting.

ARTICLE VI Meetings

Section I. Regular Meetings

The LEPC shall meet at least quarterly for the conduct of its regular business.

Section II. Special Meetings

The LEPC chair may call such special meetings as may be deemed necessary to carry out the duties of the committee. Upon the written request of at least four members, the chair shall call a meeting within 10 days.

Section III. Public Forum

The LEPC may hold public forums, as it deems necessary and desirable, at such times and places as may be determined by a majority vote of the LEPC at regular or special meetings. There will be at least one public forum, annually, for which the general public will be invited to discuss the emergency plan and other documents prepared by or submitted to the LEPC.

All comments presented by the public during such a forum shall be considered and a response to the individual comments will be prepared at a subsequent meeting of the LEPC and made available to the public upon request.

Section IV. Agenda

Requests for items to be placed on the agenda may be made by any member or citizen to the LEPC chair and shall be submitted at least two weeks prior to a regularly scheduled meeting.

Section V. Notice of LEPC Meetings

Regular Meetings.

A written notice of the time, place, and agenda items to be considered at each meeting of the LEPC shall be sent to all LEPC members, the Clerk of the Guilford County Board of Commissioners and the North Carolina Emergency Response Commission at least one week prior to such meeting. A current copy of the schedule of the time and place of regular meetings will be submitted to the Secretary of State in accordance with GS 143-318.12.

Special Meetings.

Notice of special meetings and intended agenda items shall be given to all LEPC members, the Clerk of the Guilford County Board of Commissioners, the North Carolina Emergency Response Commission and the Secretary of State in writing or by phone at least seven days in advance of any special meetings.

Section VI. Quorum

A quorum shall consist of a simple majority of the total number of LEPC members existing on the roll of primary membership at the time that any regular or special meeting is held. A quorum shall be required to transact business at any meeting of the LEPC.

ARTICLE VII Voting

Section I. One Vote Each

Each LEPC member shall be entitled to one vote. If the same company or agency employs two or more LEPC members, collectively they will be entitled to one vote.

Section II. Abstentions

Members may register their abstention on any vote, which shall be reflected in the minutes.

Section III. Determination of Action

All final actions, LEPC positions, or policy recommendations shall require the favorable vote of a majority of members present at a duly called meeting at which a quorum is present.

ARTICLE VIII Reports and Recommendations

Section I. Annual Report

Annually, the LEPC shall make a report describing its activities for the preceding fiscal year to the North Carolina Emergency Response Commission, the Chairman of the Guilford County Board of Commissioners and the Mayor of each city/town within Guilford County.

Section II. Review of Draft Reports

A draft of any proposed annual report shall be presented to all members of the LEPC by the chair at least two weeks prior to any meeting at which it will be considered for approval by the LEPC.

Section III. Issuance of Reports

No reports of any kind shall be released in the name of the LEPC unless and until they have been duly adopted by a favorable vote of a majority of the members of the LEPC, or in the case of correspondence, approved by the chair.

Section IV. Resolutions

The LEPC may recommend and/or endorse proposed Ordinances, equipment acquisitions, budgets and similar matters dealing with the ability of the LEPC or its member agencies effectively to perform the functions assigned to them by federal or state legislation and/or regulations, or by the approved emergency response plan.

Section V. Emergency Plan

The LEPC shall review and approve, in accordance with Section 303 of EPCRA, an emergency plan for Guilford County. Once adopted by the LEPC, copies of the plan will be distributed to other agencies pursuant to the distribution portion of the plan. Copies of the plan will be maintained for review by the general public.

ARTICLE IX Amendments

These by-laws may be amended or replaced upon the affirmative vote of a majority of the members of the LEPC in attendance at any regular or special meeting of the LEPC at which a quorum is present, provided that any proposed changes have been circulated to all members at least 30 days prior to any action thereupon.

ARTICLE X Rules of Order

Robert's Rules of Order, Newly Revised, shall govern the deliberations of all meetings of the LEPC and its various committees.

ARTICLE XI Ratification Provision

The by-laws were duly adopted by a majority of the members of the LEPC the 3rd day of September 1992, in High Point, North Carolina; and were duly amended.